IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 6TH SEPTEMBER 2007 / 15TH BHADRA 1929

WP(C).No. 16752 of 2005(T)

PETITIONER:

ANIL J. MATHEW, PROPRIETOR,
VANIAPPURAKKAL JEWELERY, CHANGANASSERY.

BY ADV. SRI.K.G.BALASUBRAMANIAN
SMT.AMBILY (PREMKUMAR)

RESPONDENTS:

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1. THE ASSISTANT EXECUTIVE ENGINEER,
CHANGANASSERY.

2. THE ASSISTANT EXECUTIVE ENGINEER,
(APTS), KOTTAYAM.

3. THE DEPUTY CHIEF ENGINEER (APTS),
HEAD QUARTERS, VIDYUTHI BHAVAN,
THIRUVANANTHAPURAM.

BY ADV. SRI.C.K.KARUNAKARAN, SC FOR KSEB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 06/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF APPEAL PETITION DATED 7.12.2002 SUBMITTED BY PETITIONER BEFORE THE THIRD RESPONDENT.

EXT.P2 TRUE COPY OF ORDER NO. APTS/BV/660/02/EKM DATED 11.5.2005 OF THE THIRD RESPONDENT.

RESPONDENTS' EXHIBITS:NIL.

TRUE COPY

P.S. TOJUDGE.

C.N.RAMACHANDRAN NAIR,J.

W.P.C. NO. 16752 OF 2007

Dated this the 6th day of September, 2007

JUDGMENT

Heard counsel appearing for the petitioner and standing counsel for KSEB. Ext.P2 order under challenge is issued by the Deputy Chief Engineer, APTS, disposing of an appeal against penal bill. Even though counsel for the petitioner contended that petitioner was not engaged in theft of energy, I find from the order that during inspection by the Vigilance and APTS it was noticed that petitioner had disconnected one phase from the meter which led to non recording of energy consumed in one phase of the meter. Therefore one-third of the consumption escaped billing. Consequently demand is raised for 50% of the recorded consumption. I do not find any ground to interfere with the order in appeal because normally load is distributed among the phases in an even manner and if one phase was not recording or recording was blocked through insertion of artificial device, 50% of the recorded consumption in the other two phases will be a reasonable estimate for the quantity of power escaped billing. Since the order is

issued based on this reasoning, I find no ground to interfere with the impugned order.

W.P. is accordingly dismissed.

(C.N.RAMACHANDRAN NAIR)
Judge